

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, APRIL 17, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	David Hipp	Commissioner
	Bill McGaha	Commissioner
	Joan Peterson	Commissioner
	Barbara Poelman	Commissioner
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Miles Brown	Alternate
	Patti Ellis	Commissioner

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2553 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF “AMENDMENT TO GEORGIA ESTATES SUBDIVISION NO. 2, LOT 8” / 1095 SOUTH MEDICAL DRIVE / CHRISTENSEN & LARSEN INVESTMENT CO.

APPLICATION #2798 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN UPDATE AND REWRITE OF CHAPTER 29 ZONING ORDINANCE / BRIGHAM CITY CORPORATION

APPLICATION #2918 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO CANYON COVE PLANNED UNIT DEVELOPMENT / 838 WEST 1075 SOUTH / DAVID M. FAERBER

APPLICATION #2908 / CONDITIONAL USE PERMIT – REHABILITATION TREATMENT FACILITY / 58/62 SOUTH 950 WEST / TRIUMPH YOUTH SERVICES

APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTER PLAN AS AN APPENDIX TO THE GENERAL PLAN / BRIGHAM CITY CORPORATION

PUBLIC INPUT:

DISCUSSION: DESIGN GUIDELINES

REGULAR MEETING

Commissioner McGaha opened the meeting at 6:30 p.m. Commissioner Poelman led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

No minutes were available for approval.

MOTION: A motion was made by Commissioner Hipp to approve the agenda as read. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2553 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN AMENDMENT OF "AMENDMENT TO GEORGIA ESTATES SUBDIVISION NO. 2, LOT 8" / 1095 SOUTH MEDICAL DRIVE / CHRISTENSEN & LARSEN INVESTMENT CO.

MOTION: A motion was made by Commissioner Peterson to open the public hearing for application #2553. The motion was seconded by Commissioner Poelman and passed unanimously.

Brent Miller, the applicant, came forward. He stated that he received the Staff evaluation and there are some comments from the Community Development department that he was unsure of and asked if they would be okay if those items were addressed. Mr. Teuscher commented that most of those comments are procedural issues on a subdivision plat and if they are not done correctly the County will reject the plat.

MOTION: A motion was made by Commissioner Poelman to close the public hearing on application #2553. The motion was seconded by Commissioner Peterson and passed unanimously.

MOTION: A motion was made by Commissioner Poelman to forward to the City Council with recommendation to approve application #2553 with the stipulations that it must comply with Utah Code 10-9a-608; must comply with Chapter 25 Subdivision Ordinance and must comply with all of the Staff comments; based on the findings of fact that the applicant will comply with Utah Code 10-9a-608 and Brigham City Code Chapter 25 Subdivision Ordinance and such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the General Plan. The motion was seconded by Commissioner Hipp and passed unanimously.

APPLICATION #2798 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO AN UPDATE AND REWRITE OF CHAPTER 29 ZONING ORDINANCE / BRIGHAM CITY CORPORATION

The City is in the process of rewriting the Zoning Code. The current Code has been in existence since 1973 and relatively unchanged. Before the Commission for approval, at this time, are the first 9 chapters which are the Administrative sections, the schedule of uses and a specialty section for the sensitive overlay zone. Staff is working through these sections. The Administrative section includes the general provisions, definitions, notices, administration, supplemental qualifying regulations (that will apply to all zones within the city) and a list of uses. The list of uses defines what each use is. Sections 29.07 and 29.08 will be reserve sections that are holding places for sections that may be written in the future. Section 29.09 is the schedule of uses that will describe all of the uses and which zone they are allowed in.

MOTION: A motion was made by Commissioner Peterson to open the public hearing for application # 2798. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public input.

MOTION: A motion was made by Commissioner Poelman to close the public hearing on application #2798. The motion was seconded by Commissioner Peterson and passed unanimously.

MOTION: A motion was made by Commissioner Hipp to continue application #2798 until the May 01, 2007 meeting. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2918 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO CANYON COVE PLANNED UNIT DEVELOPMENT / 838 WEST 1075 SOUTH / DAVID M. FAERBER

This is a multifamily development proposal with 60-units. Plans have been submitted and some corrections have been made. The plan shows a hammerhead turnaround coming out of the Silver Point development. An alternate design has been proposed to replace that.

MOTION: A motion was made by Commissioner Poelman to open the public hearing for application #2918. The motion was seconded by Commissioner Peterson and passed unanimously.

Laura Bittner, resident of Silver Point, came forward. She stated that she was pleased to hear the hammerhead design was not going to be used. She asked about the neighbor notification policy and stated that she and her neighbors had received no notification. Mr. Teuscher explained that neighbors within 300-feet of the property are mailed a notice and said she

was welcome to ask the Planning Commission to continue the public hearing so the notification could go out again. The mail in Brigham City is slow. Ms. Bittner asked about having notices posted on the doors of the property owners. Mr. Teuscher explained that the property is posted; notices are sent to the paper and posted in two locations in the City offices, at the Senior Center, Library and on the website. Brigham City goes above and beyond the requirements of State law by mailing out notices to the neighboring property owners. Commissioner Poelman commented that she would like to hear when Ms. Bittner and her neighbors receive the notices, if this public hearing is continued. Ms. Bittner stated she would call and report that to the City. Jeff Packer took notices to the neighbors and he also came in to the City offices and looked through the list of property owners that mailings were sent to. The notices were sent out on the Thursday prior to this meeting. Ms. Bittner stated that she would not like to have this continued but would like this application acted upon at this meeting.

Dave Faerber, developer, came forward. He stated that he has had a contractor's license since 1973 and he and his builder have been together for many years. Greg Hansen is their engineer. What they are proposing is a high-end rental project of 60-units. They are using a lot of rock and stucco. The units are very large; the two bedroom units will have 1100 plus square feet and two bathrooms. The three bedroom units will all be 1300 plus square feet and two bathrooms. They all will have decks, storage and some outside garages. There is going to be available parking over and above the requirement to provide parking for visitors. There will also be a nice club house which will be available for residents to rent. In the clubhouse there will be a fitness room with equipment. Outside there will be a basketball or sports court and a playground. The property will be totally fenced to the west. In discussion with the Fire and Planning Department it was decided the hammerhead was not needed. The Fire Department recommended that they put an asphalt area from the area on the west to their project and a crash gate in case of an emergency. The rest of the property will be fenced to the north. A low fence will be installed around the perimeter on the east and south sides with heavy landscaping. They will try to buffer the commercial development with some landscaping. Mr. Faerber presented a rendering of one of the buildings with the three bedroom units to give a concept of what the buildings will look like.

Commissioner Poelman asked Mr. Faerber about a concern an individual had. This individual submitted a letter stating concern with the egress and access onto 500 West. Mr. Faerber replied that they provided two accesses; one on the east and one on the south so there would be two means of getting in and out of the project. The development will exit about where the property line is between Flying J and the RV park. The two roads that they will be exiting onto are low traffic roads. The south exit is on 1075 South and the north exit is on 800 West. Mr. Faerber stated that they typically rent out these units for a few years and then turn them into condos and allow for individual ownership. There will be an onsite manager that will live in one of the units that will be available 24-hours a day if a tenant has a question or a problem. The manager will monitor the clubhouse and make sure the maintenance is done and the landscaping is kept up.

MOTION: A motion was made by Commissioner Poelman to continue the public hearing on application #2918 to the May 01, 2007 meeting. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2908 / CONDITIONAL USE PERMIT – REHABILITATION TREATMENT FACILITY / 58/62 SOUTH 950 WEST / TRIUMPH YOUTH SERVICES

This applicant currently has a facility at 800 West and approximately 58 South. They are proposing to move their residential component from that location to the facility on 950 West; they will house their youth at this location. They will be remodeling the existing facilities. This use is currently allowed in the MD Zone.

Gary Hunt, project Architect and Sterling Lyman, President Triumph Youth Services came forward. Mr. Lyman stated that they have been in business in Brigham City for several years. Their youth and staff do a lot of good service for the community. They are looking to relocate to bigger and better buildings. They will access the 800 West facility primarily for schooling.

Mr. Lyman said they are addressing the issue of sprinklers and brought a letter from the sprinkler company that they are working with. The buildings will be fully equipped with a fire sprinkling system. Commissioner Poelman stated that the landscape plan was excellent and asked if they were planning to do anything to reduce the starkness of the buildings. Mr. Lyman replied that their budget would not allow for that at this time but their goal is to eventually rock and stucco the buildings. The buildings are in excellent shape and look good. They would like to add some shutters. They are going to change some of the bushes, plant trees and are going to add a lot of grass. They will be putting a basketball court in. The retention basin will be landscaped with grass and trees.

My Lyman stated that they had received and looked at the Staff comments. Mr. Teuscher asked how the youth would be transported from the residential facility to the school. Mr. Lyman replied that they would be bussed in their vans and would not be expected to walk. They currently have 20 youth at their facility. They also have 12 out in Penrose that will be coming to the new facility. There will be 48 total between the two buildings. The plans show how many beds and where they will be located within the facility. This will give them a lot more room. They work with Box Elder School District and do the schooling in their own facility. Mr. Lyman said that some of their youth participate in the High School sports.

Mr. Lyman stated that they do not work with youth that are violent or sex offenders. They work primarily with drug and alcohol youth and also work with those who have some conduct disorder. Their track record is good. Their youth do not violate the community. Mr. Hunt stated that they are adding sidewalk along the street where there currently is none.

LaMar Johnson, Bear River Animal Hospital, came forward. Dr. Johnson stated that he is thrilled to have them in the neighborhood. He said they are pleased to hear their youth are not sex offenders because one day a week he has only one staff member on duty and that was a concern. He wanted to know what the protocol for keeping track of their youth is. He also stated a concern regarding the DEA controlled substances they have on hand at their facility which have abuse potential and wanted to make sure they were aware of that.

Mr. Lyman addressed Dr. Johnson's concerns. The youth they work with are under what is called Community Placement. These kids can live at home and participate in the services from their home. They do not deal with youth that are incarcerated. Mr. Lyman stated that security is a high priority for them and is in their mission statement. They really strive for community protection. They take action to go after their youth if they run away. The State mandates them to have one staff member to every four youth. They always have that and more. The headquarter office is being moved to the new buildings also, which will house all the staff. They also install security systems, which is more for the protection of their youth than to monitor the youth. They work with great kids. They also hold their youth accountable for their choices. They are always supervised. They have not had any problems in the past.

MOTION: A motion was made by Commissioner Poelman to approve application #2908 subject to the stipulations that it comply with Chapter 29.06 Conditional Uses and comply with Staff evaluation which also included what was mentioned this evening about the sidewalk being installed and the landscaping upgrade; based on the findings of fact that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is found to be in compliance with Chapter 29.06 Conditional Uses and such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2798 / PEDESTRIAN SIDEWALK MASTER PLAN AS AN APPENDIX TO THE GENERAL PLAN / BRIGHAM CITY CORPORATION

This application includes the revised text and recommended changes. With the ranking system there will be different levels of review with an application for deferral of public improvements. There is a table showing the break down based on the scoring from the ranking sheet. Based on that table, any application for deferral of sidewalk which scores a 7 or greater will never be recommended for deferral of sidewalk. Applications that rank between 6.9 and 4 will be reviewed by the Planning Commission and their recommendation sent to the City Council for consideration. Any application ranking 3.9 or less will automatically be approved for deferral upon request of the property owner. In regards to existing vacant parcels, 27 of the 88 vacant parcels within the City are greater than a half acre and have potential of having increased development on these parcels. There are 34 parcels on lots less than a half acre and are very limited in development potential. There are another 27 vacant parcels located in approved subdivisions which have requirements for installation of sidewalk as part of their approvals; there will be no deferral of sidewalk for these parcels. Sidewalk for these parcels will be installed as each house is developed.

MOTION: A motion was made by Commissioner Hipp to forward to City Council with the recommendation to approve application #2798 based on the findings of fact that the proposed change will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of person residing or working in the vicinity or injurious to property or improvements in the vicinity; the proposed change is in compliance with the General Plan and will include the text changes that have been identified. The motion was seconded by Commissioner Peterson and passed unanimously.

PUBLIC INPUT:

DISCUSSION: DESIGN GUIDELINES

This is the first draft of the design guidelines. Mr. Teuscher asked the Commissioners to look at them and get familiar with the structure. There are three areas in the city that will have guidelines; those areas are 1100 South, Historical downtown and West Forest. These will eventually become part of the Zoning Code.

Commissioner Poelman stated that she had received a phone call from Bliss Law during the week and he talked with her on some issues on the sidewalks in the Kotter Estates. They only discussed issues that he has already addressed with the Planning Commission. He did not say anything different than what has already been discussed. Mr. Teuscher explained that this form of communication is called ex parte communication. This is communication between a commissioner and an applicant or neighbor outside of the Planning Commission forum. In this arena, the Commissioners act as a judge,

making decisions. Anytime communication is held between a Commissioner and one of those parties in regards to an application, it needs to be declared in the meeting. It would be best to inform the parties that want to discuss an application that the conversation needs to be held before the entire Planning Commission and not privately.

MOTION: A motion was made by Commissioner Poelman to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

Meeting adjourned at 7:40 p.m.

This certifies that the regular meeting minutes of April 17, 2007 are a true and accurate copy as approved by the Planning Commission on July 17, 2007.

Signed: _____

Jeffery R. Leishman, Secretary